



# Haryana Government Gazette

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## PART-I

### Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA

NIRVACHAN SADAN, PLOT NO. 2, SECTOR- 17, PANCHKULA – 134109

#### Order

The 14th August, 2023

**No. SEC/4E-II/2023/1538.**— Whereas, the State Election Commission, Haryana *vide* its notification No. SEC/E-II/2022/8452, dated 30.11.2022 had notified the name of Khurshid Ahmed S/o Shujauddin as Member Zila Parishad, Nuh, Ward No.17, District Nuh under section 161 (4) of the Haryana Panchayati Raj Act, 1994.

2. Whereas, the Hon'ble High Court of Punjab and Haryana, *vide* orders dated 23rd January, 2023 passed in Civil Writ Petition No. 1359 of 2023 titled, 'Zakariya Khan versus State of Haryana and others' observed and directed as under:-

“Grievance raised by the petitioner is that respondent No.6 who has been elected as member of Zila Parishad, Ward No. 17, Block Ferozepur Jhirkha, District Nuh does not possess the minimum qualification required for contesting elections. The certificate cum marksheet (Annexure P-3) attached by the said respondent, it is submitted, is not genuine. As respondent No. 6 is disqualified for hold the post of member Zila Parishad petitioner it is stated, submitted representation in this regard, which is attached at Annexure P-8 with this writ petition, but no action is being taken by the authorities in term of section 177 of the Haryana Panchayati Raj Act, 1994 (for short 'the Act')

Mr. Aman Barhri, Addl, AG, Haryana to whom an advance copy of the paper book has been supplied, on instruction from District Development and Panchayat officer, Nuh informs that an inquiry has been marked in this matter. It is stated that necessary action in terms of the provisions of Section, 177 of the Act shall be taken expeditiously and definitely within six weeks from today.

In view of the statement made by learned counsel for the state, on instructions from District Development and Panchayat Officer, Nuh there is no requirement of any further order being passed in this writ petition, at this stage.

Writ petition is accordingly disposed of with a direction to the competent authority to take necessary action in terms of Section 177 of the Act, after affording due opportunity of hearing to all concerned, in accordance with law, within the period as stated before us.

It is clarified that there is no expression of opinion on the merits of the controversy.”

3. And whereas in due compliance of the above directions of the Hon'ble High Court, the Director General, Development and Panchayat Department, Haryana decided the matter *vide* order dated 25.07.2023. As per aforesaid order, an opportunity of personal hearing was given to the parties concerned and verification of the School Education Certificate (Matriculation Certificate) which was submitted by Khurshid Ahmed, Member Zila Parishad, Ward No. 17 with the nomination paper, was got done from the Board of School Education Haryana, Bhiwani. As per Board of School Education Haryana, Bhiwani, neither any examination conducted by the Jharkhand State Open School, Ranchi is equivalent to the examination conducted by the Board of School Education Haryana, Bhiwani nor any such exam is included in the list of equivalency of the list of Board of School Education Haryana, Bhiwani.
4. It is further mentioned in the above said order of the Director General, Development and Panchayat Department, Haryana that the Deputy Commissioner, Nuh had also forwarded report of the Sub Division Officer (Civil), Ferozepur Jhirka *vide* letter no. 1708/Panchayat dated 25.07.2023. The Sub Division Officer (Civil), Ferozepur Jhirka has given his finding in the report that Jharkhand Open School, Ranchi is not recognized by Jharkhand State and the Ministry of Human Resource Development, Government of India. He has also concluded in his report that the said Board and certificate had been found bogus.
5. After going through the facts and reports available on the file, the Director General, Development and Panchayat Department, Haryana observed that Khurshid Ahmed did not possess the required qualification i.e. matriculation at the time of his election. The certificate submitted by him had been found bogus because the Jharkhand State Open School, Ranchi is neither recognized by the Jharkhand State nor by the Ministry of HRD, Government of India. The said institute is also not equivalent to the qualifications approved by the Board of School Education Haryana, Bhiwani. Neither examination conducted by the Jharkhand State Open School, Ranchi is equivalent to the examination conducted by the Board of School Education Haryana, Bhiwani nor any exam is included in the list of equivalency of the list of Board of School Education Haryana, Bhiwani. Hence, Khurshid Ahmed has incurred disqualification under Section 175 of the Haryana Panchayati Raj Act, 1994.
6. Therefore, the Director General, Development and Panchayat Department, Haryana exercising the powers conferred upon him under Section 177 of the Haryana Panchayati Raj Act, 1994 disqualified and removed Khurshid Ahmed S/o Shujauddin, Member, Zila Parishad, Ward No. 17, Nuh from being a member of Zila Parishad and declared Ward No. 17 of Zila Parishad, Nuh as vacant.
7. And whereas, in view of foregoing facts and circumstances of the case, I, Dhanpat Singh, State Election Commissioner, Haryana in exercise of the powers vested in me under Article 243K of the Constitution of India and provisions of the Haryana Panchayati Raj Act, 1994 declare that name of Khurshid Ahmed S/o Shujauddin notified as Member, Ward No. 17, Zila Parishad, Nuh *vide* State Election Commission notification No. SEC/E-II/2022/8452, dated 30.11.2022 shall be treated as withdrawn / de-notified.

The matter is disposed of accordingly.

DHANPAT SINGH,  
State Election Commissioner, Haryana.